

MEMORANDUM

Department of Justice

TO: All Commissioners

AT Sacramento

FROM: Executive Officer

DATE May 29, 1961

SUBJECT: Proposed Agenda

Commission Meeting of June 9, 1961

Hotel Piedmont - 10 A.M.

Mt. Shasta, California

1. Call to order.
2. Approval of minutes of March 29, 1961.
3. Approval of expense claims.
4. Financial report.
5. Pending from last meeting:
 - (a) Notify Chiefs and Sheriffs of recruit standards check-off list.
 - (b) Survey by A. G.
 - (c) Trainees hired prior to October 23, 1960.
 - (d) Certificate of completion.
6. Certification of schools.
7. Report of Sub-Committee on Legislation:
 - (a) SB-123
 - (b) SB - 1887
 - (c) SB - 1475
 - (d) HR -255
 - (e) SR - 150
8. Status report - Executive Officer
9. Discussion and suggestions on campaign to induce jurisdictions to comply with standards and training.
10. Date, place and suggested agenda for next meeting.
11. Adjourn.

GENE S. MUEHLEISEN

State of California
Department of Justice
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

MINUTES

June 9, 1961
Mt. Shasta

The meeting was called to order by Chairman Ficklin at 9:55 A.M. A quorum was present:

LOHN R. FICKLIN, Chairman
JAMES V. HICKS
DAN KELSAY
ALLEN B. COTTAR
ROBERT S. SEARES
GEORGE H. BRERETON, representing the Attorney General

Absent: ROBERT T. ANDERSEN
HOWARD CAMPEN
MARTIN C. MC DONNELL

Also Present: GENE S. MUEHLEISEN, Executive Officer
G. I. EASTLICK, Recorder, Deputy Sheriff, Siskiyou
County Sheriff's Office

APPROVAL OF MINUTES

Motion by Seares, seconded by Brereton, and unanimously carried that the minutes of the meeting of March 29, 1961, be approved as mailed to all Commissioners.

APPROVAL OF EXPENSE CLAIMS

The following travel expense claims of the Executive Officer were declared approved by the Chairman upon the motion of Brereton, seconded by Seares:

March 8 through April 3, 1961	San Diego, Bakersfield, Santa Rosa, Stockton, Monterey, Santa Maria, Compton, Santa Ana, Anaheim & Beverly Hills.	\$345.51
April 6 through May 5, 1961	San Jose, Santa Cruz, L.A., Riverside & Sacramento.	\$149.85

FINANCIAL REPORT

Revenue

Balance April 30, 1961	\$395,555.68
Revenue May	<u>32,317.15</u>

TOTAL REVENUE

\$427,872.83

Expenditures

Salaries	\$ 1,749.00
Commissioner Expenses	481.05
Other Operating Expenses	<u>973.75</u>

TOTAL EXPENDITURES

\$ 3,203.80

BALANCE MAY, 1961

\$424,669.03

Encumbrances against the fund as of May 31 included 73 jurisdictions totaling \$98,225.91. It was predicted that the total encumbrances would exceed the previous estimate of \$112,000 by June 30, due to the "October 23rd Opinion" permitting retroactive claims. As an example, it was noted that the City of Los Angeles picked up reimbursement for 61 men due to the Attorney General's opinion. It was further predicted that encumbrances will probably exceed \$120,000.

PLAN OF FINANCIAL ADJUSTMENT

The plan of financial adjustment covering reimbursements from the Peace Officer Training Fund to the General Fund was explained by the Executive Officer. Section 11250 of the Government Code requires special funded agencies to reimburse the State for services rendered. Two plans of financial adjustment were submitted. Both are due and payable on June 30, 1961.

Based upon the 1960-61 fiscal year revised budget of the Department of Justice, reimbursement to that department totaled \$2,404.17 (per annum).

\$1,786.67 was the "administrative pro rata charge" submitted by the State Controller per Sections 11270-5 and 11413 of the Government Code for services rendered by the State Treasurer, State Controller, Department of Finance, Personnel Board, Legislature, Division of Administrative

Procedure, and Central Records Depository for "supervision, administration and service".

The total amount due in the combined plans of financial adjustment totaled \$4,190.84.

Motion by Hicks, seconded by Kelsay, and unanimously carried that the plans of financial adjustment and charges due be approved and reimbursement authorized.

RECRUIT STANDARDS INSPECTIONS

At the meeting of March 29, 1961, it was suggested that Chiefs of Police and Sheriffs be advised through zone meetings or by direct mail to anticipate verification inspections of recruit standards.

Upon the recommendation of Commissioner Seares, it was agreed that notification through zone meetings and miscellaneous speeches and conferences would be adequate.

SURVEY

A proposed survey of 61 new cities not covered in our present statistics was presented by the Executive Officer. The survey will determine whether the cities meet the Commission's standards. The jurisdictions contain a total population of 599,000. Law enforcement for 35 of the 61 cities is by contract with Sheriff's Departments, 21 of the 35 contract cities being serviced by the Los Angeles County Sheriff's Department. The Executive Officer was instructed to integrate the new jurisdictions into the Commission's statistical record and to keep the League of California Cities and the County Supervisors' Association advised of appropriate information.

The survey is being conducted by the Bureau of Criminal Identification and Investigation in cooperation with the Training and Education Committee of the Peace Officers' Association of California.

CERTIFICATES OF COMPLETION

The Executive Officer presented a sample of the proposed certificate of completion to be issued to trainees completing the basic course. The

style, type and printing were discussed. The Executive Officer was instructed to have the certificates printed and issued.

CERTIFICATE FOR SCHOOLS

Printed certificates for issuance to certified schools was discussed. Upon the recommendation of Commissioner Kelsay, it was the consensus of the Commission that the schools continue to be furnished with a letter suitable for framing stating that the school has been certified by the Commission.

CERTIFICATION OF SCHOOLS

The following schools were declared officially certified by the Commission, after each school was discussed individually. Following the discussion, a motion to certify was made, seconded and carried unanimously for each of the following:

San Diego Sheriff's Department
Basic Training School

222 West C Street
San Diego, California

Palo Alto Police Training School

450 Bryant Street
Palo Alto, California

LESSON PLAN MANUAL

A proposal that the Commission prepare a set of lesson plans and a recruit manual was discussed. Motion by Seares, seconded by Hicks, and unanimously carried that the Executive Officer prepare a basic training manual of recommended lesson plans which will meet the requirements of the 160-hour basic training course.

REPORT OF THE SUB-COMMITTEE ON LEGISLATION

Senate Bill 123 (Changes the method of assessment)

On May 25, 1961, S.B. 123 was sent to an interim committee for study. The Executive Officer stated he will maintain liaison with the League of California Cities, the County Supervisors' Association and others; and, as previously authorized, will represent the Commission at hearings, if deemed appropriate.

Assembly Bill 1887 (Terminates all special funds on June 30, 1965, unless otherwise provided by the Legislature)

Refer to memo sent to all Commissioners, dated May 26, 1961. No further information available on this bill.

Assembly Bill 1879 (Requires transfer of unappropriated surplus to general fund)

It is the opinion of the Attorney General that this bill does not affect the Peace Officer Training Fund.

Senate Bill 1475 (Establishes mandatory employment standards identical to Commission standards for all employees declared by law to be Peace Officers after the effective date of the Section. Does not apply to Police Officers or Deputy Sheriffs)

Motion by Kelsay, seconded by Cottar, and unanimously carried that should the bill still be in committee upon the return of the Executive Officer to Sacramento, he is instructed to advise the author of the bill and appropriate members of the Legislature that the bill violates the principle of "home rule" and to remind the committee that preservation of home rule was a paramount issue when the Legislature established the Commission on Peace Officer Standards and Training.

House Resolution 255 (Requests the Governor to consider the need for development of a proposal for the coordination of programs of the Department of Public Health, the Division of Alcoholic Rehabilitation, the Board of Correction, the Commission on Peace Officer Standards and Training, the University of California, California Highway Patrol, the Peace Officers' Association of California, and the California State Sheriffs' Association in the treatment of the alcoholic offender through the training of jailors at State training facilities)

Motion by Cottar, seconded by Hicks, and unanimously carried that no action on this resolution be taken.

Senate Resolution 150 (See Attachment "A")

The Executive Officer reported that he had discussed this resolution with the author, Senator Ron Cameron, and that the Senator stated that he was highly

in favor of the work of the Commission and hoped to emphasize its program as part of the interim study proposed in the resolution. It will be necessary for the Commission to prepare an appropriate presentation for the interim committee.

CAMPAIGN TO INDUCE JURISDICTIONS TO COMPLY WITH THE STANDARDS AND TRAINING ACT

The Executive Officer reported that when time permits an analysis will be made of the reasons jurisdictions fail to comply with the standards.

He further stated that the findings could be presented to a joint committee composed of the League of California Cities, the County Supervisors' Association, the Peace Officers' Association, PORAC and the Commission. If deemed appropriate, the members of the committee could then support a Commission campaign in their special fields.

Chairman Ficklin suggested that a systematic campaign, with supporting charts and other material, be undertaken in the near future.

PUBLICITY

It was reported that Mr. Hazen Bastien, Editor and Publisher of the California Peace Officer Magazine, has invited the Commission to write a column for each publication. The magazine is published bi-monthly. Motion by Brereton, seconded by Hicks, and unanimously carried that the Executive Officer write a column, on behalf of the Commission, in the California Peace Officer Magazine.

Motion by Brereton, seconded by Hicks, and carried unanimously that the City and County representatives on the Commission prepare detailed articles to be submitted to their respective association and league publications outlining the Commission's program and answering questions that have been submitted to the Commission from time to time.

REPORT OF THE EXECUTIVE OFFICER

Status Report of Jurisdictions in Program

<u>1958</u>				<u>As of May 22, 1961</u>			
<u>Cities</u>							
Do	61	6,940,823	65.7%	Do	123	8,687,276	82.2%
Do Not	248	3,632,871	34.3%	Do Not	186	1,886,418	17.8%
<u>Counties</u>							
Do	11	2,373,218	52.6%	Do	16	2,584,013	57.3%
Do Not	47	2,134,957	47.4%	Do Not	42	1,924,162	42.7%
<u>Total Jurisdictions</u>							
Do	72	9,314,041	61.8%	Do	139	11,271,289	74.7%
Do Not	294	5,767,828	38.2%	Do Not	228	3,810,580	25.3%

Effectiveness of Program

67 jurisdictions have raised standards affecting 1,957,248 people.
109 jurisdictions have enacted ordinances.

F. E. P. C.

The Executive Officer emphasized the importance to our program of a recent F. E. P. C. rule. The rule pertains to the "point of hire" and is quoted as follows:

"In the F. E. P. C. guide to pre-employment inquiries, the point of hire was defined as the moment when the applicant reports for work. Recently, however, the Commission liberalized this ruling to provide that once the employer has decided to hire the applicant and has so informed him, the otherwise forbidden inquiries may be made.

"Thus, any proof needed to back up claims made by the applicant-- e. g., as to U. S. citizenship, veteran status, age--may be inspected by the employer before the individual actually goes on the payroll. If the proof is lacking, the hire need not be consummated."

Assistant to the Executive Officer

Chairman Ficklin and the Executive Officer reported on the current status of the employment of an assistant. 28 applicants qualified, 23 took the written examination and 16 passed. 11 were from the Los Angeles area, 3 from Northern California and 2 from the Bay Area.

The Chairman reported that he would represent the Commission in oral qualifications appraisals to be conducted in Sacramento, Los Angeles and San Francisco on June 20, 22 and 27.

Training and Education Committee

It was reported that the Training and Education Committee and the Standards and Qualifications Committee of the Peace Officers' Association of California had recently reaffirmed, in writing, their support of the aims and objectives of the Commission. The committees have designated special sub-committees to work in liaison with the Commission.

Personal Opinions of the Executive Officer

The Executive Officer requested a policy from the Commission, pursuant to requests from outside agencies requesting the personal opinion of the Executive Officer on matters relating to police administration.

The Executive Officer was authorized to reply to such inquiries using stationery other than Commission stationery and noting in the letter that it was his personal opinion and did not necessarily reflect the opinion of the Commission.

NEXT MEETING

Motion by Kelsay, seconded by Brereton, and unanimously carried that the next meeting be held at the Hyatt House, San Francisco International Airport, upon the call of the Chairman.

Motion by Seares, seconded by Hicks, and unanimously carried that future Commission meetings be held on Saturdays, beginning at 9:00 A. M.

ADJOURNMENT

The meeting was adjourned at 12:45 P.M.

Respectfully submitted,

Gene S. Muehleisen

GENE S. MUEHLEISEN
Executive Officer

SENATE RESOLUTION NO. 150

By Senators Cameron, Fisher, Short, McAteer, Holmdahl, Christensen, Regan, Grunsky, Richards, Cobey, Rattigan, Farr, Shaw, and Dolwig

Relative to Peace Officers

Whereas, The increase in crime throughout the State of California is a primary concern of the people of California and Members of the California State Legislature; and

Whereas, The rapid increase in the population of California has intensified the problems relating to the effective and efficient enforcement of the law; and

Whereas, The right of the people to be secure in their persons, homes and effects is dependent upon efforts of peace officers in crime prevention and in the detection and apprehension of violators of the law; and

Whereas, The efficient and effective enforcement of the law is also dependent upon soundly conceived and properly administered police management programs emphasizing recruitment, training and retention of peace officers; and

Whereas, There exists a large body of statutory law in this State describing what persons are or have the powers of peace officers, which body of law has been enacted piecemeal over the years and is dispersed throughout the codes; and

Whereas, It is essential that the laws be logical and clear with respect to who can act as peace officers, and where, and for what purpose; and

Whereas, The Legislature of 1959 created the Commission on Peace Officers Standards and Training and it is appropriate for the Legislature at this time to evaluate the laws of the commission and the laws under which it operates; now, therefore, be it

Resolved by the Senate of the State of California, That the Committee on Rules is requested to refer for study to an appropriate interim committee the subject of peace officers' powers, including the questions of the scope of such powers, the types of officers who should exercise them, and the purposes for which, and the geographical areas in which they may be exercised and other matters relating to police management with particular emphasis upon the recruitment, training and retention of peace officers, and the Committee on Rules is further requested to direct such interim committee to report its findings and recommendations to the Senate no later than the fifth calendar day of the 1963 Regular Session of the legislature.

Resolution read, and referred to Committee on Judiciary.

Attachment "A"